

Maori Environmental Issues and How These are Related to the Treaty of Waitangi

The Treaty of Waitangi is central to New Zealand's environmental legislations, in accordance to the Principles of the Treaty of Waitangi as opposed to any Specific article. As the Maori world-view of the natural world is notably different from those of European settlers, for example, even the title Mana Whenua translates to 'People of the Land' and highlights the importance of the environment within Maori identity.

The Department of Conservation initiates courses into Maoridom such as the Te Pūkenga Atawhai course enlightens staff about Maori cultural beliefs, the Treaty of Waitangi and ways in which to conduct oneself when working with mana whenua.

Environmental issues today surrounding the Maori cultural beliefs and tikanga around the collection of shellfish often collides with the New Zealand Fisheries Act which works in conjunction with the Resource Management Act.

Article 2 of the Treaty of Waitangi guarantees to the Chiefs and Tribes of Aotearoa as well as respective families, exclusive and undisturbed possession of their lands, estates, forests and fisheries.

In times of large cultural gatherings for instance, and their need to collect more food for the event, Maori will reap shell fish and other marine fauna in numbers needed for the event plus numbers inline with cultural doctrines of sustainable beliefs, but these can often offend against the crown through defiance of articles with the New Zealand Fisheries Act or the Resource Management Act.

Kaitiakitanga is a Maori generational custom and role of 'guardianship' and responsibility to the land and to look after the environment in which you live. These customs are practiced by way of restrictions on resource use and proper agricultural practices as well as the lifting of restrictions when ecosystems are in perpetual balance.

This can be considered a principle of Maori culture, but as the onus can sometimes be perceived as a personal one, Maori can feel defied by the crown. When large environmental issues such as the October 2011 sinking of the oil tanker Rena, off the coast of Tauranga occurred, a key concern that Bay of Plenty Iwi urged was a breach of the Treaty of Waitangi was that they were not adequately consulted about the crown's agreement on compensation from the Greek shipping company Costamare INC as the crown agreed for the wreck not to be moved.

REF:

Rena Disaster https://en.wikipedia.org/wiki/Rena_oil_spill
<https://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/nz-conservation-authority/policies/section-4-of-the-conservation-act/>

Land Use vs Resource Consent

Creswell NZ LTD and Otakiri Springs:

A chinese owned company has applied for resource consent in the Bay of Islands to draw upto 580 million litres of water per year from the pristine springs near Whakatane to bottle, ship and sell overseas. Public sensitivity of the issue is high, arising from the fact that No royalties will be paid for selling New Zealand water and this comes at a time where commercilasition of fresh-water resources is a current election subtlety.

Creswell NZ LTD is currently in production and and takes 2 million litres of water per year but their resource application is to increase its ability by 27,400%

Creswell NZ Director Michael Gleissner defended the application, stating claims that the impact on the environment would be minimal and added that increase in production will generate 50 jobs for the area, an estimated \$8.9 million dollar boost to the local economy.

Public concern about the bottling of our limited fresh-water resources for no return to the community has been defended by Prime Minister Jacinda Ardern, acknowledging cultural, environmental and economic concers of the people and promising to crack down on royalyt free use of the aquafir.

A one or two percent royalty per litre would see that money go to environmental authourities and the local economy, through the regional councils. Apt for considering the fact that Premium New Zealand is the water brand.



REF:

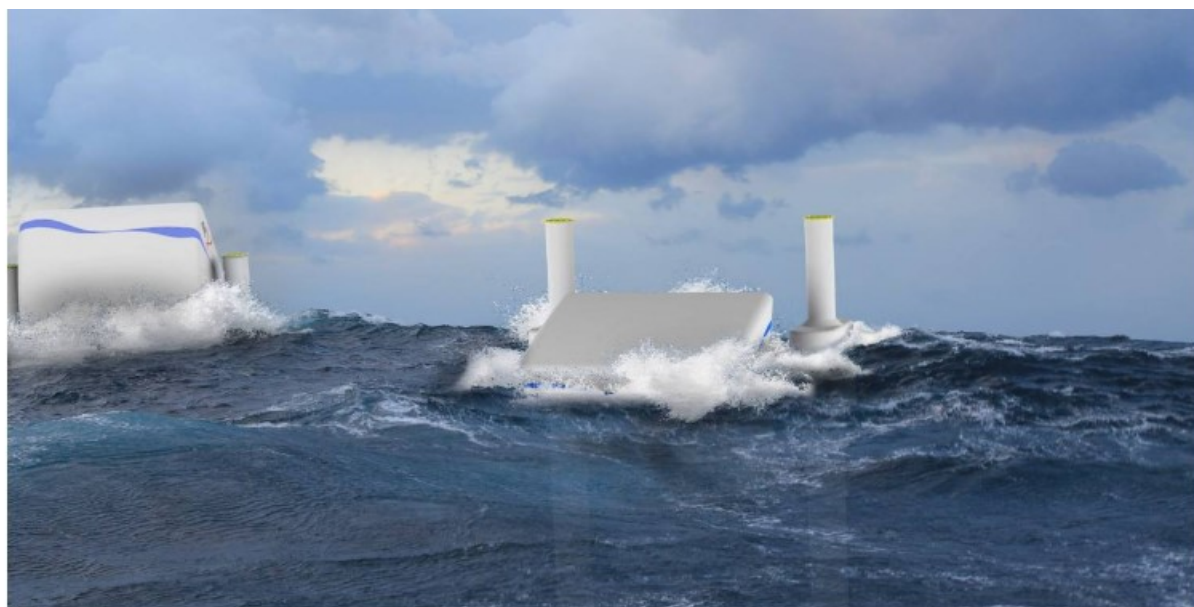
Stuff Nz Otakiri Springs <https://www.stuff.co.nz/business/industries/95670283/chinese-company-seeks-consent-to-draw-580-million-litres-of-pristine-spring-water-to-bottle-and-export>

Taranaki Wave Innovation and Enterprise

New Zealand's largest ever power generation wind turbines are beginning to appear in south Taranaki between Waverly and Patea, but this is at the disappointment of local wave energy innovators who have developed plans and working prototypes for the harnessing of wave energy for the generation of electricity. There was also a proposal for the electricity generated by the Azure Wave Energy device to power a desalination plant that can produce fresh drinking water for communities which don't have reliable freshwater supply. The New Zealand Government's Provincial Progressive Growth Fund and NZ Green Investment Fund both turned down EHL Group's application for funding to develop alternative energy generators using wave technology.

Legislation guiding the MBIE and the Ministry for the Environment is based on the principals of the RMA and sustainable resourceful use of an area to generate renewable energy.

That's why the issue here rose when EHL Group was denied funding for wave generated power station technology, but an 'unusual' project for New Zealand to put \$277 million dollars into 31 wind turbines on the flat Taranaki Coast has begun. The argument is that wind turbine technology is from overseas and only requires a small staff base to operate, but EHL Group had also had plans for the local economy, an idea designed by New Zealanders.



SUPPLIED

An artist's impression of the Azura wave energy device being developed by New Plymouth firm EHL and US firm Northwest Energy Innovations.

Project to Restore Water Quality in Marlborough

Work by the Marlborough District Council to restore the fresh-water Te Hoiere/Pelorus catchment area will begin in August 2020. But, farmers in the area are concerned about receiving fair treatment from the initiative, a multi-million dollar project that aims to reduce nitrogen run-off, sedimentation and E. coli risks from the Pelorus River to the Pelorus Sound. A pamphlet handed out at a community meeting stated that the main source of nitrogen in the catchments waterways came from animal urine and pasture fertilizer, and that E. coli came from run-off.

Concerned farmers asked if broad analysis would be available, to take natural processes into account like run-off spikes when it rains and the potential of contaminants being introduced by plants. One farmer addressed the gorse and broom which is nitrogen rich and abundant in the catchment. Another then mentioned forestry blocks in the area and whether they would receive the same water quality mapping.

There's no denying that the programme is aimed at improving the fresh-water quality of the river catchment area in Pelorus Sound but the issue seems to be that the finger is pointing blame at Farming practices in the area, where the farmers are urging the council to consider other implications and causes of the contaminations, and to look ahead toward future generations and at least take climate change and other environmental factors into account. This could be achieved through more joint community support and input on steering the restoration project.

Further long-term projects will be guided through the development of an integrated catchment management plan underlined by the principals of the 1991 Resource Management Act to gauge, record and analyse contaminant particles.

REF:

Wikipedia https://en.wikipedia.org/wiki/Pelorus_Sound/_Te_Hoiere

RNZ Environmental News <https://www.rnz.co.nz/news/national/422756/project-to-restore-water-quality-in-marlborough-sounds-not-about-farmer-bashing-says-councillor>

Conservation Managment

Introduction:

here I to explain the roles, visions and stratgies that Government and Non-Government Organistations implement towards conservation management in New Zealand.

Government Organisations:



Department of
Conservation
Te Papa Atawhai

Our vision is for New Zealand to be the greatest living-space on Earth : Kaore he wahi I tua atu I a Aotearoa, hei wahi noho I te ao

The Department of Conservation, a public service department of New Zealand, is charged with conserving New Zealands natural, historical and cultural heritage and works in partnership with iwi, community groups and businesses to achieve the conservation goals of New Zealand. An advisory body (the Conservation Authority) is provided to advise DOC and it's Ministers aswell as 13 Conservation Boards in areas around the country, providing interaction between DOC and the Public.

DOC's vision means that New Zealanders benefit from healthy and functioning eco-systems and recreation oppertunities, through living our history. To do this, the Department of Conservation organises its work around around 5 outcomes:

- **The diversity of our natural heritage is maintained and restored**
- **Our history is protected and brought to life**
- **More people participate in recreation**
- **More people engage with conservation and value it's benefits**
- **Conservation gains from more partnership**

By working with others to increase the value of conservation for new zealanders

The Department of Conservation provides conservation services to protect and enhance New Zealand's natural heritage whilst contributing to New Zealand's economic, social and cultural success. DOC enhances the well-being of local and international visitors by encouraging and enabling people to connect, learn and contribute to New Zealand's natural environments through maintenance of DOC conservation areas.

Whilst DOC manages approximately 1/3rd of mainland New Zealand, the roles that DOC implements to promote conservation from owners on private land is through statutory planning processes that are guided by the 1991 Resource Management Act. Regional and local authorities must prepare regional policy as well as regional district plans that address a range of broad or specific issues such as fresh water or waste management, natural hazards, and heritage management.

The Conservation, Reserves and National Parks Act's guide DOC's roles of statutory land management through:

- **Management to changes to the classification and status of land**
- **Dealing with statutory consents in relation to land, including consents under the Public Works Act**
- **Provision of specialist advice regarding proposed changes to public conservation land, both managed by DOC and other administering bodies**

The role of DOC to oversee statutory land management enquiries and applications to acquire or dispose of land and exchanges, allows DOC to bridge resourcing consent activity discussion with the public, and allows DOC to ensure that the values and intentions of the Conservation, Reserves and Resource Management legislations are upheld.

As a Government body, the Department of Conservation has responsibilities under many laws to protect and preserve our unique environment, species and heritage. As these laws include offenses that have consequences for actions that can harm or effect environments or ecosystems, DOC encourages and promotes compliance with the rules through education, monitoring and restricting public areas to vulnerable parts of conservation lands.

Within marine environments, the role of DOC to ensure conservation, protection and management of marine mammals is influenced by the Marine Mammals Protection Act 1978 and allows DOC to check for the required permit under this act for anyone to attract, harm, harass or injure any marine mammal. There are six marine mammal sanctuaries in New Zealand and these are defined by their implementation of population management plans and the limiting of the level of fishing related mortality for any marine species. Marine Mammal Protection Regulations 1992 allows DOC to oversight the growingly popular Whale and Dolphin Watching sight seeing tourism operators for compliance of

the prescribed appropriate behaviour for all boats and aircraft within the marine vicinity. A major research programme has been undertaken to assess the impact of tourist vehicles on the behaviour of marine mammals.

New Zealand is a founding member of the International Whaling Commission (IWC) and the Department of Conservation was a strong supporter of the commissions establishment of the 1994 Southern Ocean Whale Sanctuary, which includes some of New Zealand's Exclusive Economic Zone.

Managing Threats to Nature:

Bio-Security teams helps to prevent damage caused by unwanted organisms. The Ministry for Primary Industries (MPI) leads this team, in partnership with DOC to keep a watch for anything that is potentially an unwanted pest or disease, including preserving, protecting and managing threats from invasive pests or diseases. Information, security checks and non-compliance penalties all help to better inform local and international visitors about the importance and vulnerability of our unique native flora and fauna.

DOC's strategy for reducing the impact of climate change on New Zealand's native species, ecosystems, recreation and heritage sites are based around monitoring and adaption. Climate change will affect New Zealand's biodiversity and natural landscapes through extreme weather, rises in sea level and rising temperatures. This will put pressure on our environments and wildlife and so DOC exerts that adapting to climate change will require reducing our national greenhouse gas emissions, which will then increase our natural environments resilience to these climatic changes. DOC has a 5 year Climate Change Adaption Action Plan to increase the resilience of our wildlife and wild places against the impacts of climate change. This plan also gives effect to the principles of the Treaty O Waitangi under Section 4 of the Conservation Act.

A strategy and action plan to better equip young New Zealanders with skills, knowledge and motivation to tackle environmental issues and strengthen the value of connectivity with the environment, by actively working together for a sustainable future, is endorsed by DOC. Government agencies build on supporting the delivery of high-quality Environmental Education for Sustainability (EEfS) accross NZ.

Quality education activities with young people are key to broadening support for conservation and achieving development goals, critical for our well-being and prosperity. Initiatives like the, 'predator free by 2050' and 'Keep NZ Clean' goals encourage information and participation from young New Zealanders as it calls forth an understanding and acknowledgement of the environment and our effects toward it. Allowing opportunities for Volunteers to get involved in clean up operations and projects paves way for future boots on the ground toward our collective aim of Keeping New Zealand Green.

Non-Government Organisations:

Non-Governmental Organisations have a long and well established connection and contribution to New Zealand's major conservation issues. The Environment and Conservation Organisations of Aotearoa NZ (<http://www.eco.org.nz/>) have since 1972, been an umbrella group for environmental and conservational organisations in New Zealand.

The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's leading independent conservation organisation, protecting wildlife and wild places and promoting growth of our natural ecosystems.. Forest and Bird engage with Communities, City & District Councils, Regional Councils, Central-Government and Courts to provide a voice for nature amidst ever pressing environmental changes and issues.

Grouped into 50 branches nation-wide, Forest & Bird is led by its mission statement: To defend New Zealand's Wildlife and Wild places – on Land and in our Oceans.



Te reo o te taiao – Voice For Nature

Managing Threats to Nature:

Terrestrial roles and practical projects that Forest & Bird uptake to restore nature include – trapping predators, removing weeds and planting trees. Forest & Bird work hard to seek better protection for nature on private lands and they advocate for nature in law court and resource management processes.

Water is one of the most important issues for New Zealanders yet, our streams, rivers and lakes are being polluted and too much water is being taken from them. Forest & Bird advocate for strong rules to protect our fresh water by holding Regional Councils to account when defending our rivers and lakes. They write to ministers and draw up petitions to invoke change from central-government and encourage the younger population to heed change. Forest & Bird promote alternatives to environmentally damaging irrigation schemes and they are involved in practical work to restore our waterways and provide fish habitat. Community involvement in restoration projects to bring

back natural areas and enhance nature is key to making up for past loss, and aims to build climate-change resilience in cities and rural areas.

Forest & Bird Volunteer: <https://www.forestandbird.org.nz/volunteer>

The Queen Elizabeth II National Trust is independent from Government and managed by a board of directors, of whom the Minister of Conservation appoints four directors who have the right mix of environmental and conservation values. The QEII National Trust was established in 1977 to encourage and promote the provision, protection, preservation and the enhancement of open space for the benefit of all New Zealanders.

The mission of the QEII National Trust is to inspire private land owners to contribute to national efforts to reverse the decline of indigenous biodiversity across open spaces of ecological or cultural significance, by improving environments and habitats that remain within the boundaries of private property. 70% of New Zealand is in private land ownership and an opportunity to reach them on environmental values is afforded by the Queen Elizabeth II National Trust.

The QEII Charitable Trust partners with private land owners to protect sites on their land with signed covenants. A covenant is an agreement between QEII and a land owner to protect land forever. The covenant protection stays on the land and partnerships have created a growing network of over 4,600 protected areas across New Zealand. Covenants play a critical role as they offer refuge to some of New Zealand's rarest and most endangered biodiversity and ecosystems. Teams cover legal, ecological, health & safety, policy and co-ordinates activities across the country.

QEII National Trust was established under the Queen Elizabeth the Second National Trust Act in 1977 to aid in conservation on private lands. This Act interacts with other legislations as well as upholds the principles of the Treaty of Waitangi. Strategies the trust uses to promote, and therefore further their work, is done through community and regional events, as well as being benefactor to public donations. The QEII National Trust employs independent contractors who engage with land owners to identify and negotiate legal protection covenants, monitor existing covenants and supporting land owners to uphold their stewardship obligations.



QEII NATIONAL TRUST

Ngā Kairauhi Papa Forever protected

Conclusion:

Government is driving sustainable development and Non-Governmental Organisations approach the private sector and encourage everyday citizens to raise awareness and get involved in holding sustainable development to account.

REF:

Department of Conservation Website: <https://www.doc.govt.nz/our-work/>

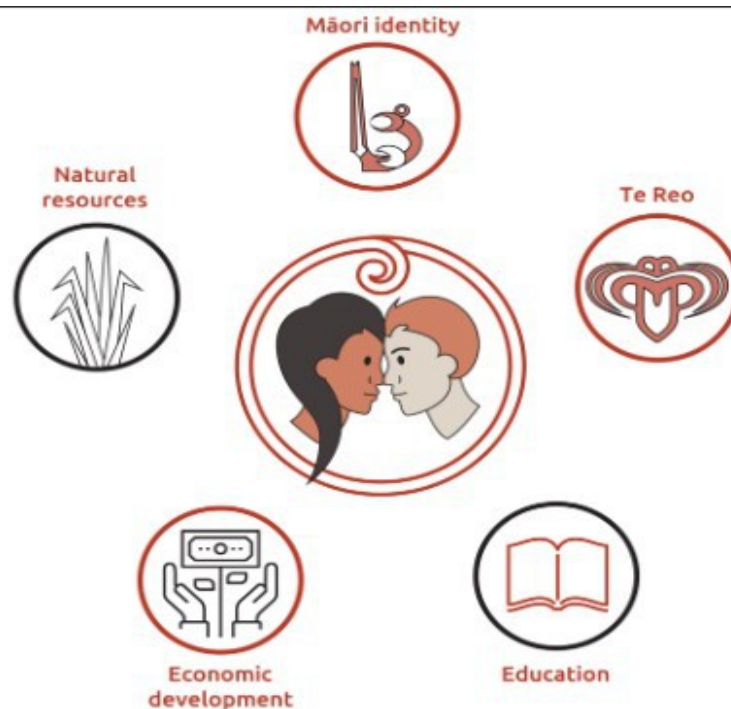
Forest & Bird New Zealand: <https://www.forestandbird.org.nz/>

Queen Elizabeth II National Trust Website <https://qeiiinternationaltrust.org.nz/about-us/>

Conservation Managment: and the Role of Mana Whenua

Introduction:

This essay examines the role and approaches of Mana Whenua in conservation in New Zealand.



Mana Whenua:

Mana Whenua is a geographically specific term given to Maori in a locality whom exercise authority, status, integrity, prestige and power along side decision makers in an area, which enables iwi to be present and involved in decisions surrounding land use, it's cultural value and resource consents.

The linkages between Maori and the natural world are elucidated through geneology/whakapapa, tribal ancient anecdotes plus Maori mythologies and creation stories. This highlights and strengthens the connectivity of Maori with their ancestor, the Land.

Mana Whenua are the iwi of Maori tribal groups recognised by the Crown as having links to the land, guardianship/kaitiaki values and holders of a long standing relationship with the crown through the Treaty of Waitangi.



Creation Story:

Maori mythologies and traditions derive from the remote oral history of ancient Maori ancestors. Maori mythology concerns tales relating to the origin of the land and Maori traditions and folkloric legends merge into Whakapapa, which explain the geonological chronologies of the overall origin of Maori, and their connection to the land.

Most cultures share a belief in an event or an act that created the earth as we know it. The Maori creation story begins with nothingness: Te Kore

Ranganui and Papatuanuku

From nothingness, Ranganui (sky father) and Papatuanuku (earth mother) emerge, in an embrace, meaning earth and sky are joined together and their children are born between them.

For a long time the children exist in a dark cramped uncomfortable space and some of the children plot to separate their parents. Tane Mahuta succeeds and this allows light into the world. Te Ao- Marama

Tane lay on his back with his legs facing up. Total focus, total strength, he pushed and pushed. Throughout this crucial time of separation, the children spoke with respect to their parents/Matua. Ranganui and Papatuanuku wept for eachother rather than being angry with their children/Tamariki.

Tane finally separated his father, who rose above. Tane turned his mother

downward so as she would not see the sadness in Ranganui above. Tane clothed her in trees and plants. Furthermore, the children became Maori Gods, guardians and spirits of particular domains. Though the brothers were hardly peaceful: storms would wage, the earth would shake, rise and bleed, the sky would light up like fire and electricity, a trembling current would scar the earth.

The Maori creation story and its influence on traditions, customs, practices and institutions is strong. Essential elements of the culture's foundation story influences many aspects of the Maori world view. For example, Kaitiakitanga recognizes the spiritual power of the land and its natural features, and so adopt a custom of rejuvenation and protection through cultural restriction on resource use in a given environment. Tapu, Noa, Powhiri, Hui

Treaty Articles

- **Article One**
 - **Maori:** chiefs gave the queen 'te Kawanatanga katoa' – the governance or government over the land.
 - **English:** chiefs gave the queen 'all the rights and powers of sovereignty' over the land.
- **Article Two**
 - **Maori:** confirmed and guaranteed the chiefs 'te tino rangatiratanga' – the exercise of chieftainship – over their lands, villages and 'taonga katoa' – all treasured things. Maori agreed to give the Crown a right to deal with them over land transactions.
 - **English:** confirmed and guaranteed to the chiefs 'exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties'. The Crown sought an *exclusive* right to deal with Maori over land transactions.
- **Article Three**
 - **Maori:** The Crown gave an assurance that Maori would have the queen's protection and all rights – 'tikanga' – accorded British subjects. This was close to an accurate translation of the English text.

(Nzhistory.net.nz, 2014)

Mana Whenua and Conservation:

The Crown, through the New Zealand Government, recognise the importance of the values held by Mana Whenua as their environmental and spiritual ties to ancestral land, water, sites and treasures are paramount to the well-being of iwi. Councils engagement with mana whenua benefits valuable consideration on the cultural, environmental, social and economic impacts of projects through hui, discussion and guidance.

Section 4 of the Conservation Act 1987 plus the Resource Management Act 1991 apply to the Treaty clause, and uphold the principles of the Treaty of Waitangi over conservation and sustainable resource management.

Connection is expressed between humans and the natural world by Mana Whenua through kaitiakitanga: customary ways of managing the environment as well as preserving its natural balance, in recognizing the impact that humans can have on the environment, from their activities, and that humans are not superior to this ecological balance and natural order, but a part of it.

It is important to consult Mana Whenua when commencing development which require resource consents as Mana Whenua have a cultural and spiritual link and relationship with the environment of Aotearoa, this of which is of national importance under the Resource Management Act. Mana Whenua values may be affected by development with land, water, air and sea.

Benefits of engaging with Mana Whenua include an opportunity for better understanding of the history of the area or site, plus you can learn about the views of Mana Whenua.



***Mana Whenua:** Childrens relationship to papatuanuku is based on whakapapa, respect and aroha*

Roles of Mana Whenua:

Mana Whenua maintain partnerships with councils and organisations that ensure Mana Whenua are recognised and supported throughout their role as kaitiaki of their ancestral lands and natural resources. These partnerships work to achieve dual goals of sustainably managing and protecting lands and natural resources for the benefit of current and future generations.

Conservation Approaches:

1. When conserving natural resources in New Zealand, Mana Whenuas interests are protected as resource consent applicants are expected to consult with iwi authorities when development could affect the values of Mana Whenua. This is then followed up by a CVA: Cultural Values Assessment, which is prepared by Mana Whenua or it's nominee. A Cultural Values Assessment documents Mana Whenuas values, interests and associations with the area or natural resource in proposition. A CVA will also assess how a proposal may impact on identified cultural values and will include measures to mitigate any effects of the proposal. The obligation of a Cultural Values Assessment by Mana Whenua, whether needed or not, is an approach that ensures iwi involvement in developments.

2. In light of any land, resource or cultural debates Mana Whenua can engage with both parties in good-faith discussions to reach what could be considered innovative and modern solutions that still uphold the values and principles of ancestral culture and the Treaty of Waitangi. Mana Whenua can engage under the cloak of kaitiakitanga territorial rights to reach agreements and mediate between those and the greater public interests over topics of hot debate.

3. Tapu and Noa are specific cultural understandings of restriction and ease of use of an environment or resource that are built on complex understandings of the interrelated relationships between humans, flora, fauna, whenua and the wider spiritual and metaphysical environment. Mana Whenua can impose Tapu (forbidden or restricted) and Noa (ordinary, or free from restriction) on an area after an event as a rational of karakia or prayre/blessing that exudes an energy of rejuvenation or repair of an area.

Conclusion:

Traditionally, the ability for Maori to exercise control over their environment in line with ancestral beliefs and customs, was met by the migration af a new world concept on a bed of industrilisation. Differing points of views and traditions on conservation and natural resource use has almost forced a middle ground in modern New Zealand. The presence and roles of Mana Whenua as well as their environmental recognition within articles of the Treaty of Waitangi allow Maori to uphold the customs and values of their ancestral heritage and belief systems.



REF:

Maori Creation Story: <https://www.thetereomaoriclassroom.co.nz/2019/07/the-maori-creation-story/>

Mana Whenua Organisation, Auckland Council:

<https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx>

Cultural Values Assessment: <https://www.aucklandcouncil.govt.nz/building-and-consents/resource-consents/prepare-resource-consent-application/Pages/cultural-values-assessments.aspx>

Tapu Noa. WaterNZ: https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=3300

The History of Resource Management and Environmental Law in New Zealand

Introduction:

This is an essay outlining the history of resource management and environmental law in New Zealand, begun with the increasing of environmental awareness and policies.

Environment Act and Resource Management Act:

Sweeping reform of New Zealand's environmental laws occurred in the 1980s accumulating in the passing of the Resource Management Act in 1991. Concepts based on developments in international and local thinking underlined broader approaches to new measures. Laws relating to Sustainable use of natural and physical resources plus, to the use of Air, Land and Water are managed under this Act, often with the incorporation of other legislations.

In 1984 the new Zealand Labour party went into election year with a platform of adopting better environmental policies. David Lange's Labour election win soon saw the drafting and enactment of the Environment Act 1986 which established an office of the Parliamentary Commissioner and the Ministry for the Environment. The Ministry of the Environment hence forth charged with advising future governments on policies and issues affecting the environment. By the mid 1980s New Zealand had a number of legislation that in some way related to the management of the environment including:

- The Town and Country Planning Act**
- Water and Soil Conservation Act 1987**
- Clean Air Act**
- Environment Act 1986**

In 1974 Green-Peace New Zealand was established alongside the Territorial Sea and Exclusive Economic Zone Act and QEII National Trust Act to discourage development on private land. In 1980 the Native Forest Restoration Trust formed and purchased native forests. When a Nuclear Free Zone was declared by the Labor Government in 1984 public concerns for the environment in New Zealand were at a all-time high. The Environment Act then the Conservation Act of 1987 then came into force. An overview timeline is depicted below:

•Enactment of the first town and country planning legislation	1926
•Enactment of the Soil Conservations and Rivers Control Act	1941
•Water and Soil Conservation Act was enacted	1967
•Enactment of the Marine Reserves Act	1971
•Establishment of the Commission for the Environment	1972
•Commission for the Environment published its first environmental impact assessment.	1974
•Enactment of the Town and Country Planning Act to replace the 1926 version	1977
•Marine Mannals Protection Act was enacted	1978
•National Development Act was enacted	1979
•New Zealand Conservation Strategy was published	1981
•Ministry for the Environment formed •Water and Soil Conservation Act was amended •Environment Act enacted	1986
•Department of Conservation form and the Conservation Act enacted	1987
•Enactment of the Resource Management Act	1991
•Hazardous Substances and New Organisms Act enacted •Fisheries Act amended	1996
•Climate Change Response Act enacted	2002

The Resource management Act embodied a total of 59 Acts and Ammended Acts into it's legislation and nineteen regulations or orders were revoked. Princpley built on the vision of sustaining the potential of physical and natural resources for future generations, safe-guarding the life supporting capacity of ecological systems as-well as air, water and soil cycles, Plus avoiding, mitigating and remedying any adverse effects on the environment from human activity.

Activities that need a resource concent are classified under four catagories. They are: Controlled, Restricted Discretionary, Discretionary and Non Complying. There are five types of resource consent:

- **Land Use Consent**
- **Subdivision Consent**
- **Water Permit**
- **Discharge Permit**
- **Coastal Permit**

Many resource consents are signed off by both the District/City Council and Regional Council, governing bodies. The granting of consents lets the local Environmental Government workers aware of people undertaking activities that might effect the environment.

The Resource Managment Act also includes a Heritage Order that allows the

protection of places or structures with special heritage or cultural qualities and is part of a district plan as described below:

Invercargill CBD Upgrade and Resource Management:

HWPC Management Limited made application for consent to the Invercargill City Council to demolish, alter and re-develop land and buildings in the Central Business District for development of a new complex. Article 2.3 of the decision lays claim to the areas heritage and archaeological values. Of the 22 sites that pre-date the 1900s the company proposes, 16 of them are of archaeological or historical significance.



<https://resources.stuff.co.nz/content/dam/images/1/n/v/v/9/v/image.related.StuffLandscapeSixteenByNine.620x349.1nt5y4.png/1515976231735.jpg>

A proposal of this scale that would replace heritage elements in the heart and life of Invercargill, a story that has accumulated over a century, was briefly considered by the condition of the CBDs structures and the aspirations of the people concerned for the city and its future.

Resource Management Consent was granted for the retail and office development in conjunction that the proposal will make a significant contribution to the advancement of the sustainable management of natural and physical resources within the city-centre. It also recognised positive social and spiritual elements that were worthy of reflection.

<https://www.odt.co.nz/regions/southland/invercargill-cbd-redevelopment-granted-consent>

Public consultation received 44 submissions, 24 overly supported the proposal and 10 opposed it. The environment court has not received any appeals in regard to the resource consent.

Demolition begun on the 23rd of January 2020 and the facility is projected to open in 2023.

Conclusion:

It took the span of 600 years for us to enact (non-spiritual) legislation toward the sustainability, preservation and reduction of harm to the environment by human activity. The eco-consciousness of the 1960s, the political upheaval of the 70s then the decade span of the 1980s toward environmental policies to combine a more focused and strategic approach toward environmental issues, on a global level, has seen the introduction of many laws governing and protecting organizations today to preserve natural areas of our planet through our number of protected lands and conservation areas.



Ministry for the
Environment
Manatū Mō Te Taiao

Ministry for the Environment logo (2017)

REF:

<https://www.slideshare.net/georgedumitrache399/global-perspective-cambridge-igcse-environment-and-conservation-timeline-of-new-zealand-environment>
<https://www.mfe.govt.nz/publications/fresh-water/everyday-guide-applying-resource-consent/everyday-guide-applying-resource>
<https://www.mfe.govt.nz/publications/fresh-water/everyday-guide-applying-resource-consent/everyday-guide-applying-resource>
<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM230265.html>
<https://www.mfe.govt.nz/rma/rma-processes-and-how-get-involved/heritage-orders-district-plans>
<https://static1.squarespace.com/static/5b1f0e83ee175935e41dbaed/t/5d81a92f76144d54574ddcc9/1568778562632/Decision+of+Commissioners+on+HWCP+Application+-+4+June+2019.pdf>

Resource Management and Environmental law

Introduction:

This essay will explore and discuss current environmental legislation in New Zealand with particular regards to the Resource Management Act 1991 and its amendments.

This essay will also explain the articles of the Treaty of Waitangi and its implications to resource management at both local and central government levels on current issues and how these issues relate to the Resource Management Act 1991 and its Amendments, plus the Treaty of Waitangi.

Overview:

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources in a way or at a rate which enables people and their communities to provide for their social, economic and cultural well-being by sustaining the potential of natural and physical resources for future generations.

Principles of the Treaty of Waitangi that are considered within environmental legislation in New Zealand are the guarantees under Article 2 to the Chiefs and Tribes, their respective families and individuals there-of, the full exclusive and undisturbed possession of their lands, estates, forrestries and fisheries as well as other properties Maori individually or collectively possess. In turn, the Crown gained preemption of land and property.



Land Use:

Part 3 of the Resource Management Act 1991 states restrictions on land use that contravenes a national environmental standard unless the use is expressly allowed under the Act.

New Zealanders have seen the 21st century intensify competition for land in rural and urban areas. National land use planning in conjunction with legislation helps to resolve conflicts with land users and developers in line with the country's environmental values. New Zealand has a responsibility to its vast, diverse and unique range of ecosystems.

But sometimes that may seem to be overseen.

1. Eccentric Australian billionaire Clive Palmer's company 'Minerology International' has recently acquired mining permits in New Zealand that includes areas of public conservation land. The permits are for mineral exploration and prospecting for gold, lithium or rare minerals and areas include Northland, Waikato and the West Coast of the South-Island. Palmer has a history of environmental negligence in the Great Barrier Marine Park and Prime Minister Jacinda Ardern has said there will be no new mines on conservation land, but with a three party government in power some cracks appear to have formed, and this story doesn't necessarily mention any legislative articles. Minister of Conservation Eugenie Sage has previously told Newsroom: agreements are yet to be reached on how stewardship of public conservation land is treated, but whilst no agreement has been reached, mining permits have been processed as usual.

Forest & Bird Chief Executive Kevin Hague has said: there should be no mining on conservation land because conservation land has conservation values.

Te Runanga o Ngati Kearoa Ngati Tuara chair Eru George said Runanga have asked their areas be excluded from the mining permits in line with principles of Te Treaty o Waitangi.

2. The conversion of farmland into forestry has repeatedly been accused of undermining thriving rural communities as trees grown simply for carbon credits means communities would be stripped of farming opportunities. Forest owners contest this view saying forestry complexes actually produce more wealth per hectare than sheep and beef farming. Labour proposes to allow local councils to determine what classes of land can be used for forestry as resource consent would be required for plantations of 'carbon forests' where Land Use Capability Classes can be determined by a local authority, with planting operations happening away from our most valuable soils.

Large-scale exotic planting issues arise when 'carbon credit forests' swallow up land that could be used for food and fibre production. Farming provides export, income, employment and rural social cohesion. Forest Owners Association and the Federated Farmers Association are both obliged to work with local, regional and national councils as well as local iwi on development planning.

Coastal Environments:

1. New Zealand's coastal environment is primarily managed under Section 12 of the Resource Management Act 1991. This outlines restrictions on aquaculture activities and use of coastal marine areas. This includes catchment areas and has recently struck debate in Marlborough by farmers over a Government project to clean up Marlborough catchment areas due to high levels of sedimentary runoff contamination such as nitrogen and E. coli. The project aims to reduce the levels of nitrogen and E. coli which the farmers feel they are being blamed for, so the farmers are asking for more of an understanding of the scope of the project and exactly what the project defined as clean up will be standardised. Locals say this is about balancing the priorities of the community and Ngati Kuia Chair Waihare Mason said the project was not just about the land and water but about papatuanuku or mother earth.

The Resource Management Act 1991 allows council-run coastal quality surveys which would acknowledge spikes, trends and contents of pastoral run-off. This could also tell if contaminants came from plants.

This highlights the newly developed Catchment Management Enhancement Plan that will guide further long-term projects and future funding bids.

2. Coastal residential development is at what cost to the environment?

A proposal to build 2000 homes over two decades on the coast of Porirua has received more than 130 submissions from the public on the proposed development in Plimmerton, which is next-door to a protected wetland. But a streamlined process means that once it is signed off by the Ministry of the Environment then locals feel there is essentially no way to appeal the decision in the Environment Court.

The Porirua District Council is allowing the site, which is currently farmland, to go through a streamlined planning and consenting process to re-zone the land from rural to suburban to allow the build to begin, but this is directly across from 25ha of nationally significant lowlying swampland.

Locals and friends of the Taupo Swamp and Catchment Group, which has spent years planting trees and clearing blackberries from the wetland say there is no way that the development would not create runoff into the wetland and coastal environment.



The Reality of Coastal Development: <https://www.bing.com/images/search?>

Marine Environments:

1. Marine environment contamination and discharge standards are governed under Sections 12 and 15 of the Resource Management Act 1991, which is guided by Te Moana values of Maori mentioned in Article 2 of the Treaty of Waitangi. Local Councils and their contractors are responsible for the management of discharge from waste-water treatment plants which are subject to regulatory and consents conditions in line the 1991 Resource Management Act.

New Zealanders flush toilets millions of times per day and are in trust of their local authorities and tax collectors to maintain standards set out by legislation and environmental standard data, that the marine and estuarine environments are not polluted with unscreened and toxic waste.

The public of greater Wellington are upset to learn that 1 of 100 waste-water treatment plants around the country that are failing to meet it's consent conditions is in Porirua. A new Water Regulator Taumata Arowai has been appointed but are not expected to be monitoring waste-water networks for at least two years. The head of waste-water at Wellington Water Steve Hutcheson said during heavy rain most of the waste-water will go through the full treatment process, but that the top part will by-pass that treatment, so only part of the flow is screened.

Ten times this year (2020) overflow has been sent into the Porirua Harbour marine environment which is more frequent than what was predicted when resource consent was applied to do so twenty years ago.

Our cities have grown and our treatment plants will get overloaded but this is meaning many are failing or complying with often expired resource consents.

2. New Zealand Maori gained legal recognition of their customary rights in marine areas, which includes the high-tide mark on a beach and the sea-bed to 12 nautical miles out. Environmental legislation in New Zealand develops and details guiding policies and strategies that form the scope of management and restriction.

In June of 2020 the Waitangi Tribunal found the Marine and Coastal Area Act is in breach of the Treaty of Waitangi and prejudicially affects Maori.

The legislation replaced the controversial Foreshore and Seabed Act in 2011 and under the Act Maori had until April 2017 to engage directly with the Crown to have their customary interests recognised under the law. But Maori have argued that the Act is flawed and has created a process that is unclear, costly and unfair. Hearings of the Waitangi Tribunal in March of 2019 found the Act failed to provide adequate and timely information about the pathway to Crown engagement. The hearing also found the Act breached the Treaty of Waitangi's Treaty Duty of active protection by not funding all reasonable costs incurred by the applicant.

The Marine and Coastal Area Act was established to ensure the protection of the legitimate interests of all New Zealanders and to provide for the exercise of customary interests with acknowledgment of the Treaty of Waitangi.

Freshwater Environments:

1. Freshwater standards are regulated under Sections 13 and 14 of the Resource Management Act 1991 and prohibits activity within a freshwater environment that in a manner contravenes a national environmental standard or a regional rule, unless expressly consented. (often under Section 20A.)

Water quality is highly variable throughout New Zealand and pollution problems in low-land waterways are, in many cases, serious. Nitrate-Nitrogen and E. coli concentrations from runoff are affecting our ability to swim in our rivers.

Point source pollution refers to pollution from one source like a dairy shed or waste-water treatment plant and non-point source pollution is contamination from multiple diffuse sources such as runoff and urban areas.

The legal position of naturally flowing freshwater today is that it is not owned by anyone but is treated as a public good and a Taonga of Maori.

Productive management of animal effluent effectively by farmers is an ongoing concern as prosecutions under the Resource Management Act are increasing to the disappointment of others within the farming industry. Effluent discharge near waterways and across paddocks responsible for runoff allows pollution to enter freshwater ways is a controlled activity and cases keep being brought before the courts.

An ongoing issue relating to the principles of the Treaty of Waitangi appear to be a shift in cultural attitudes and frustration from farmers at increasing rules and regulations resulting in a slump of practice.

2. On an international scale New Zealand has an abundance of water however demand for freshwater per capita is high and growing.

Environmental freshwater climate conditions vary in New Zealand and the supply of freshwater is not evenly distributed and resource limits are being breached in some areas.

Auckland water shortage issues are increasing and in 2013 the Councils water company Watercare applied to the Waikato Regional Council for consent to collect 200 million litres of water from the Waikato River to cater for Auckland's growing population. Auckland is currently amidst a 'one in 200 years' drought according to Mayor Phil Goff.

Severe water restrictions have frequently come into effect across Northland, Auckland and Waikato and an Auckland Council Economist has estimated that up to 14,000 jobs could be affected by limitations on water use. Watercare is scrambling to secure extra water sources and Aucklanders are constantly asked to conserve water in their homes.

When reservoirs dry up Councils turn to emergency powers under the Resource Management Act to further draw water from the flow of natural freshwater. The development of Reservoirs will be needed in the future and will come under consent from Regional Council Rules, the Resource Management Act and local Iwi/Mana Whenua.

Climate Change:

1. Scientific understanding about climate change is constantly developing and it is essential that the law develops alongside this understanding and modeling. Community values that people consider to be at risk due to climate change are sought in line with the principles of the Treaty of Waitangi to help inform Regional Risk Assessments. A changing climate is likely to lead to changes in land use and stability and is likely to impact the primary production sector. More frequent flooding and a rise in coastal erosion is expected from climate change. A 2004 Energy and Climate Change amendment was enacted under the Resource Management Act 1991 regarding an explicit provision for persons exercising functions that have particular regard to the efficiency of the end use of energy and plans for mitigating the effects of climate change.

The amendment states the development of renewable energy will not consider the effects on climate change of discharges of green-house gasses.

An issue around climate change recently is the effects of the Covid-19 global lock-down of communities that quickly saw a decrease in fossil fuel emissions and global temperatures and PPM of green-house gasses, of which people believe the earth managed a short repair boost to the global climate. However, this is not true and leading climate change research from the University of Leeds suggests policies aimed at preventing Covid-19 from spreading will have a negligible impact on long-term warming. The research outlines a global goal to keep climate warming within 1.5C if Governments pursue a climate change mitigation policy or a green recovery. The New Zealand Climate Change Commissioner Catherine Leining said this research showed shifting away from fossil fuels and into low-carbon technologies was essential to reduce global emissions. Covid-19's short-lived behaviour change reduced emissions during lock-down but will not produce lasting climate benefits if we remain in our state of fossil fuel dependency. Climate change will have an economic and overall wellbeing effect on communities. The insights emerging from this study are economic as well as environmental. Local Maori exert that the challenge before us is not to predict our future, but to shape it.

2. New Zealand's 1st National Climate Change Risk Assessment has identified 10 significant areas (out of 43) that need to be addressed within the next 6 years.

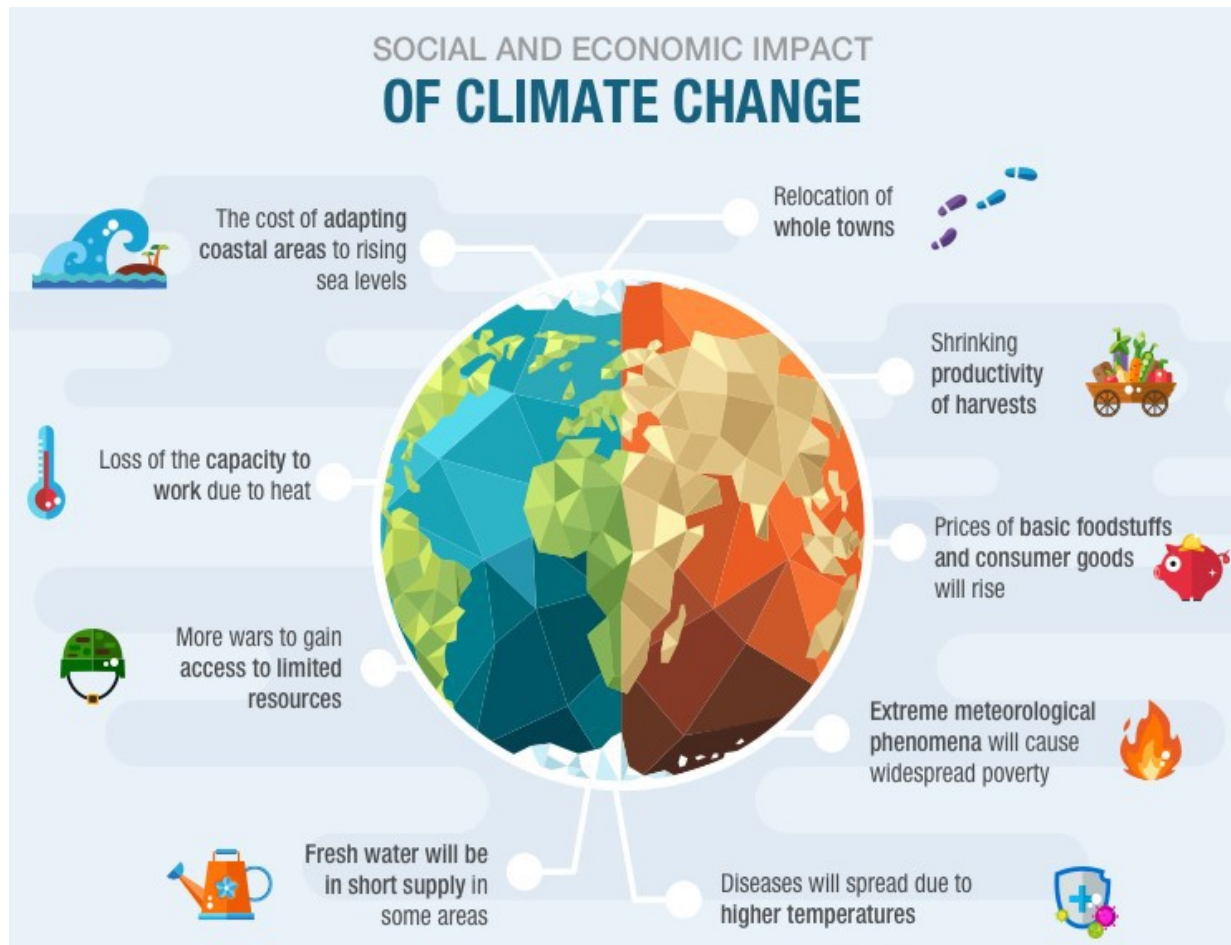
The risk assessment was an overview of how New Zealand may be affected by climate change related hazards and will be used to develop a National adaptation plan over the next 2 years. This assessment was based on a high-emission business as usual model which has caused an issue with climate change sceptics saying that climate change modeling is calculating data at such a rate, that we are not emitting to scare monger radical change in the everyday activities of humans. Scientists point out extreme weather events such as storms, heavy hail and rain fall, droughts and heat-waves are the result of a changing climate due to carbon and green-house emission levels.

Coastal and indigenous ecosystems are at risk and some opportunities have been

identified but the report noted that research would need to be done to ensure responses to those opportunities won't worsen the climate change impacts unintentionally. The Climate Change Response Amendment Act 2019 requires a risk assessment every 6 years.

Maori will endure risks to social, cultural, spiritual and economic well-being from loss and degradation of lands and waters, species and biodiversity.

This report highlights that there should not be issues amongst people over climate change as the proof and constant setting of new extreme weather events is proof that we need to work together sooner, rather than later.



Conclusion:

Legislation in New Zealand is designed to protect the interests of species as well as their environments as a whole and provides guidelines, values and structures to ensure the management and mitigation of risk areas. Our unique biodiversity requires cultural principals and global standards be on the same page, of which, is provided by the New Zealand Resource Management Act 1991 and its amendments.

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